

It is SO ORDERED.

Dated: August 27, 2014
Utica, New York



Hon. Diane Davis
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In the Matter of

VINCENT D. IOCOVOZZI,

Debtor.

Case No.: 13-62035
Chapter 13

2014 AUG 28 AM 11:26
CLERK OF THE
BANKRUPTCY COURT
U.S. OF NY
SDNY

FILED

ORDER

Upon the motion of BonNette Iocovozzi for an Order modifying and terminating the automatic stay to permit the Movant and the Debtor to proceed to the conclusion of the Divorce Action pending in the New York State Supreme Court, Herkimer County, (Index No. 00094735) including the enforcement of the order of interim attorney and expert witness fees with enforcement of any judgment of equitable distribution to be made in this Court; and partial opposition to the motion having been filed by Carol Malz, Esq., attorney for the Debtor; and this Motion having come on to be heard at Utica, New York, on the 24th day of July, 2014 at 9:30 a.m., with Thomas P. Hughes, Esq., attorney for the Movant, having appeared in support of the Motion, and Carol Malz, attorney for the Debtor, having

appeared in opposition thereto; and Maxson Champion, Esq., having appeared for the Chapter 13 trustee; and for the reasons stated on the record, the Court having made no determination whether the claims of BonNette locovozzi for interim attorney and expert witness fees (Claim No. 10) is in the nature of alimony, maintenance or support under 11 USC §101(14A) and the Court having noted that pursuant to local rules all of the Debtor's property and income remains property of the bankruptcy estate; it is hereby

ORDERED, that the automatic stay imposed by 11 USC §362 is hereby modified to permit BonNette locovozzi and the Debtor to proceed to the conclusion of the Divorce Action pending in the New York State Supreme Court, Herkimer County, (Index No. 00094735); and it is further

ORDERED, that the New York State Supreme Court, Herkimer County, may determine the rights of the parties to equitable distribution of marital property and to temporary or permanent maintenance or support; and it is further

ORDERED, that the execution of any order or judgment determining equitable distribution or maintenance or support against property of the bankruptcy estate is stayed except insofar as permitted by 11 USC 362(b)(2)(B) and (C).

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